

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RICHARD AGUILAR, et al.

Plaintiffs,

vs.

PNC BANK, N.A.,

Defendant.

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Case No. 4:14-cv-00985

**DEFENDANT’S PARTIAL MOTION TO DISMISS COUNTS IV-IX  
OF PLAINTIFFS’ FIRST AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant PNC Bank, N.A. moves to dismiss Count IV (Aiding and Abetting Fraud); Count V (Aiding and Abetting Breach of Fiduciary Duty); Count VI (Breach of Fiduciary Duty); Count VII (Conspiracy to Breach Fiduciary Duties); Count VIII (Negligence); and Count IX (Conspiracy to Violate RICO 18 U.S.C. §1962(d)) for failing to state a claim upon which relief can be granted. Concurrently filed herewith, and incorporated herein, is PNC Bank, N.A.’s Memorandum of Law in Support of said Motion.

Dated: September 3, 2014

Respectfully submitted,

By: s/Randal K. Mullendore

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 3rd day of September, 2014, via the court's electronic filing system, to:

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s/Randal K. Mullendore